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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------------|------------------|
| 10/824,037 | 04/14/2004 | Jotham W. Coe | PC25493A | 5995 |
| 23913 7590 12/19/2006 PFIZER INC 150 EAST 42ND STREET 5TH FLOOR - STOP 49 NEW YORK, NY 10017-5612 | | | EXAMINER RAHMANI, NILOOFAR | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1625 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 12/19/2006 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/824,037

Applicant(s)

COE ET AL.

Examiner

Niloofer Rahmani

Art Unit

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) 11 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7,8 and 10 is/are rejected.
- 7) ☒ Claim(s) 3 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-8, 10-12 are pending and claims 9, and 13-15 are cancelled.

Applicant's election with traverse of group I in the reply filed on 11/07/2006 is acknowledged. No grounds of traversal have been given. Due to this, the traversal is not found persuasive.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1-8, and 10(in part), wherein AR being an aryl group and Q not being a ring are examined. Claims 11-12 and 1-8, and 10(in part) remaining subject matter being drawn to the non-elected invention are withdrawn per 37 CFR 1.142(b).

2. ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

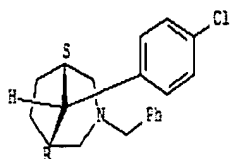
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

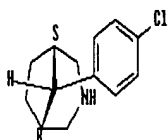
Claims 1-2, 4-5, 7-8, and 10 rejected under 35 U.S.C. 102(b) as being anticipated by Kim et al., J. Med. Chem., 2003, Vol. 46, pages 1456-1464. Kim et al. disclosed the instant claimed compounds

CN 3-Azabicyclo[3.2.1]octane, 8-(4-chlorophenyl)-3-(phenylmethyl)-

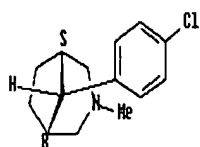
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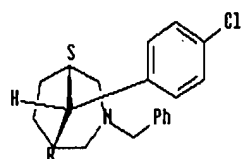
CN 3-Azabicyclo[3.2.1]octane, 8-(4-chlorophenyl)-



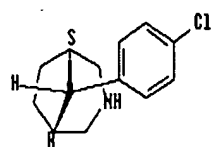
CN 3-Azabicyclo[3.2.1]octane, 8-(4-chlorophenyl)-3-methyl-



CN 3-Azabicyclo[3.2.1]octane, 8-(4-chlorophenyl)-3-(phenylmethyl)-

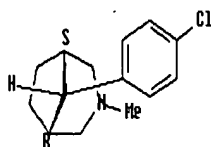


CN 3-Azabicyclo[3.2.1]octane, 8-(4-chlorophenyl)-



CN 3-Azabicyclo[3.2.1]octane, 8-(4-chlorophenyl)-3-methyl-

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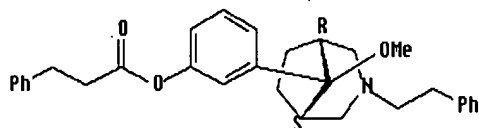


. Therefore, the instant

claim is anticipated by Kim et al.

3. Claims 1-2, 4-5, 7-8, and 10 rejected under 35 U.S.C. 102(b) as being anticipated by Zhou et al. yaoxue Xuebao, 1982, Vol. 17, pages 503-9. Zhou et al. disclosed the instant claimed compound, on page 507, Table 3, formula Ivc, which is

CN Benzenepropanoic acid, 3-[8-methoxy-3-(2-phenylethyl)-3-azabicyclo[3.2.1]oct-8-yl]phenyl ester



Therefore, the instant claim is anticipated by Zhou et al.

4. **Claim Objections**

Claims 3,6 are objected to as being dependent upon a rejected base claim 1, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niloofar Rahmani whose telephone number is 571-272-4329. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Mckenzie, can be reached on 571-272-0670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NILOOFAR RAHMANI

12/07/2005



D. MARGARET SEAMAN

PRIMARY EXAMINER

GROUP 1625